

NOTICE

This is a summary disposition issued under Alaska Appellate Rule 214(b). Summary disposition decisions of this Court do not create legal precedent and are not available in a publicly accessible electronic database. See Alaska Appellate Rule 214(d).

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

TREVOR T. BABCOCK,

Appellant,

v.

STATE OF ALASKA,

Appellee.

Court of Appeals No. A-12790
Trial Court No. 3AN-16-03057 CR

SUMMARY DISPOSITION

No. 0053 — July 24, 2019

Appeal from the District Court, Third Judicial District,
Anchorage, Pamela Washington, Judge.

Appearances: Michael L. Barber, under contract with the Public Defender Agency, and Quinlan Steiner, Public Defender, Anchorage, for the Appellant. Bonnie E. Bull, Assistant District Attorney, Anchorage, and Jahna Lindemuth, Attorney General, Juneau, for the Appellee.

Before: Allard, Chief Judge, Fabe, Senior Supreme Court Justice, and Andrews, Senior Superior Court Judge.*

Trevor T. Babcock was convicted of first-degree harassment for grabbing M.M.'s buttocks while M.M. was working a shift as a custodian at the Anchorage

* Sitting by assignment made pursuant to Article IV, Section 11 of the Alaska Constitution and Administrative Rule 23(a).

International Airport.¹ On appeal Babcock argues that the State failed to present sufficient evidence that his touching of M.M. was done with “the intent to harass or annoy,” an element of first-degree harassment under Alaska law.

When a defendant challenges the sufficiency of the evidence to support a criminal conviction, an appellate court is required to view the evidence, and all reasonable inferences based on that evidence, in the light most favorable to upholding the verdict.² Viewing the evidence in this light, this Court then asks whether a reasonable juror could find that the State proved the defendant’s guilt beyond a reasonable doubt.³

Here, the evidence showed that M.M. was mopping floors near baggage claim when Babcock, who was “buzzed” from alcohol and was waiting for his bags after his flight, told her she was “beautiful.” M.M. said, “Thank you,” and then turned around and continued mopping. A short time later, M.M. was bending over, mopping under some chairs, and Babcock came up behind her, grabbed her buttock, and squeezed it. M.M. testified that she felt “scared” and “violated” by the touching, and she quickly yelled for help to a nearby co-worker. Babcock testified that he grabbed M.M.’s buttocks because he thought she was attractive. Babcock admitted, however, that he knew that touching a stranger’s “private parts” in a public setting could cause them to feel uncomfortable, violated, or harassed.

Viewing this evidence in the light most favorable to upholding the jury’s verdict, we conclude that a reasonable jury could find beyond a reasonable doubt that Babcock touched M.M.’s buttocks with the intent to harass or annoy.

¹ AS 11.61.118(a)(2).

² *Johnson v. State*, 188 P.3d 700, 702 (Alaska App. 2008).

³ *Id.*

The judgment of the district court is AFFIRMED.